

TOWN OF POLK
Plan Commission Minutes
July 6, 2010

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I. Call Meeting to Order - The meeting of the Plan Commission of the Town of Polk was called to order by Chairman Albert Schulteis.

A. Pledge of Allegiance - Pledge of Allegiance was recited at the Special Town Board meeting.

B. Official Meeting Notice - Chairman Schulteis reported that the notice of the meeting was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel and posted at the Town Hall, Highway View School, Cedar Hills bulletin boards, and also posted on the Town of Polk website.

C. Roll Call - Members present: Chairman Albert Schulteis, Willard Heppe, Karen Reiter, Mark Peters, Marvin Kissinger, Robert Roecker, Supervisor Harold Groth, guest Supervisor Theodore Merten, and Judy Stephenson, Zoning Secretary.

D. Approval of minutes for June 1, 2010 - Motion made by Karen Reiter to approve the June 1, 2010 minutes. Motion seconded by Robert Roecker. All voted in favor and motion carried.

II. Unfinished Business - none

III. New Business - Discussion/Possible Action on the Following:

A. Application for a revised 8' by 8' ground sign for Cedar Springs Church, 3128 Slinger Rd., Slinger. Zoned I-1 Institutional. 38.1 acres. Section 29. Tax Key #T9-0885.

Dave Zuern spoke on behalf of the revised sign. He stated that the sign would be roughly 4' by 8' but they are requesting the maximum allowable size. He further stated that a mason had offered his services to do stone on the side of the sign instead of the wood filler with the lighting to shine down from the top of the sign and would not shine onto traffic. Dave Zuern stated that the sign would be on the north side of the driveway and meets all setbacks; it is even further from the road. He stated that by being on the north side of the driveway, the sign would be closer to the electrical source. Discussion was held. Karen Reiter stated that the sign height cannot be greater than 20 ft. Mr. Zuern stated that it would not exceed 10 ft.

Motion made by Robert Roecker and seconded by Marvin Kissinger to recommend approval of the ground sign for Cedar Springs Church to the Town Board with the stipulation that the sign cannot be higher than 20 ft. and the lighting shine only on the sign and not onto traffic. All voted in favor and the motion carried.

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B. CSM for a 5 acre lot out of a 37 acre parcel for the Raymond Hoefert Estate, 3488 Hwy 175, Slinger. Section 28, zoned A-1 Agriculture.

Ray Hoefert Jr. spoke on behalf of the land division and stated that they wished to sell the house along with 5 acres. He further stated that they had previously come before the Plan Commission and Town Board and received approval for a 10 acre parcel but that was denied by the Village of Slinger. Discussion was held.

Motion made by Willard Heppe and seconded by Marvin Kissinger to recommend approval of the 5 acre lot for the Raymond Hoefert Estate to the Town Board. All voted in favor and the motion passed.

C. Conceptual Land Division for Joseph Knoebl Estate, 4243 Arthur Rd. for 4 lots out of an approx. 32 acre parcel. Tax Key T9-0390-00Z. Section 9, zoned A-1 Agriculture.

Brian Strachota spoke on behalf of the conceptual land division. Chairman Schulteis stated that the private road T turnaround must extend all the way down to the 15 acre parcel to prevent it from becoming land locked. He further stated that the T turnaround could be left off as long as the road extends up to the 15 acre lot. Willard Heppe stated that it should extend down to the shoreland boundary line because that is the end of the lot. Chairman Schulteis stated that as far as the T turnaround, we can forget about it as long as Brian Strachota has a driveway and would be the only one plowing and maintaining the road at this time but if the 15 acres is ever divided, they would need access and the other part of the road would need to be put in to the cul du sac with the road extension. Don Thoma stated that if the 374.5 ft by 27 ft. extension of proposed lot 3 were to be added to the outlot 1, then it would be difficult to break it off at a later date to sell to the adjacent property owner to the east; it would take the agreement of all 6 owners of the outlot. He further stated that if it were owned by one person, either Ruth Knoebl or Brian Strachota, it could be easily sold. Willard Heppe stated that we are waiting for a developers agreement from Town Attorney John St. Peter. Brian Stachota stated that he had requested a few changes to the attorneys May 25, 2010 letter to him and after the changes, the developers agreement would be drawn up based on those changes. Don Thoma stated that they wanted to get the conceptual plan approved before proceeding. He further stated that the 374.5 ft by 27 ft parcel could be shown as outlot 2 and give the owner of the garage that abuts it room to maintain the garage and purchase the strip at a later date, if he wishes to; Ruth Knoebl could own it and pay taxes on it in the meantime. Don Thoma further stated that approval has not yet been obtained from the Village of Slinger because their policy is to have the Town approve it first.

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Chairman Schulteis stated that we have not yet heard from our attorney about the *Town's* land sale documents. Don Thoma stated that the Title Company could draw up a closing statement, quit claim deed, do the retitle report for Town and buyer to review and then they will do the transfer. Albert Schulteis asked if, once the transfer is complete, can the two front lots be approved. Willard Heppe stated that the Developers Agreement must be signed first. Don Thoma stated that he would appreciate the opinion of the Board for doing two CSMs or just one. Willard Heppe stated that he would not put it all on one because the road has to be built first. Don Thoma stated that with the two outlots and three lots, it would take two CSMs. He further stated that the road plans will be approved before the lots are created and will require Stormwater Management from Washington County, so this will take several more months. Karen Reiter stated that a notation should be in the minutes on stating whenever the 15 acre parcel is divided, however many people buy that should share in the legal fees and road expense. Albert Schulteis stated that would all be in the Developers Agreement as well. Brian Strachota stated he is responsible for 100 percent of the roadway and the only time he would ever be reimbursed would be the continuation of the second phase of the road and that would fall 25 percent for three parties, which would be the three heirs to the 15 acres with Brian paying the other 25 percent. Brian Stachota and Tracy Ruckstader stated that all the heirs are present at tonights meeting and all are in agreement.

Willard Heppe stated that when the attorney creates the developers agreement and it is reviewed and signed by all the heirs, they can come back with the CSMs for the two lots. (The six heirs of the Knoebl property attending the meeting stated they were all in agreement with the shared cost for the private road and developers agreement.)

Karen Reiter motioned and Robert Roecker seconded that approval of the Conceptual Land Division for Joseph Knoebl Estate be recommended to the Town Board for proposed lots 1, 2 and 3 with the understanding that the construction of the private road costs that Brian is incurring be split 4 ways ; there will be the proposed outlot 1 which is the private road and proposed outlot 2 which is the 27 ft strip of 374.5 ft to be owned by Ruth Knoebl. The Outlot 1 must be brought up to the shoreland boundary for the 15 acre unplatted lands to access. The developers agreement must be approved by the Town with the CSM and all parties signing the Developers agreement. The conditions set forth in the May 25, 2010 letter from Attorney John St. Peter shall be followed with the following changes: all legal fees incurred by the Town to prepare the private road agreement and developers agreement must be reimbursed 6 ways. This conceptual approval is contingent upon the Town Board approval of the developers agreement and they can change it at any time. Willard Heppe stated that when the attorney creates the developers agreement and it is reviewed and signed by all the heirs then they can go ahead and come back with the two lots. The outlot 1 must be brought up to the shoreland boundary for the 15 acre unplatted lands to access. All voted in favor and the motion carried.

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D. Discussion with John Johnson and Michael Klenz, owners of J & M Performance Development, regarding their plans for tearing down the former Springs Motel, 3267 Sherman Way. Tax Key T9-0814-00E. Section 27, 2.61 acres zoned B-1 Business.

John Johnson stated that John Frey, Town Building Inspector, gave him a call last week to see what was being done about the building and property because there had been a complaint. Mr. Johnson further stated that there were problems at the motel under the previous owner including thefts and break ins to their property. Mr. Klenz stated that they own the former gas station property, the motel and a half acre in between. Michael Klenz stated that they hope to build a nice facility where the motel is to sell equipment but when the economy went down they were not able to proceed and are using the motel to store cement blankets and for dry storage. He further stated that they realize the property has not been kept up, grass had gotten high and that is why they were before the Plan Commission tonight. Mr. Klenz also stated that they did not want to bear the cost of taking the building down right now; at some point they would like to put up a 180 ft. by 50 ft. building with 14 ft. doors in the same foot print as the motel but they cannot afford to do that now. Chairman Schulteis stated that the reason for the complaint was that the property was unkempt. Mr. Klenz stated that they had been working full time jobs to pay their bills and had let the grass go; they will clean up the area and move the trailer but do not want to be under the gun to do so. John Johnson stated that they had put new locks on the doors; they use the parking lot for equipment and that works out well for them; there are two broken windows now and they have live traps to catch animals that might get in. Judy Stephenson stated that the Building Inspector had wanted a timetable for when the building would come down because otherwise years many go by and nothing be done. Mr. Klenz asked why the building needs to be torn down when they are using it for storage now and he cannot say when the economy will turn around to allow them to spend the kind of money necessary to tear down and rebuild. Chairman Schulteis stated he noticed that the tree trimmings had been cleaned up but the stumps were still there. Mr. Johnson stated that they do have to build something to advance their business to the next level and a multi tenant business unit would help them pay for itself but he did not know when this could be done and they do not have a written plan yet. Discussion was held. Judy Stephenson stated that the Town can issue a raze order for buildings that have deteriorated and are not being kept up. Mr. Klenz stated that financially they are not in a position to move forward with building. Robert Roecker stated that the owners would have to work harder and get the property cleaned up better; then when the economy turns around they can come back to the Town for new building approval. He further stated that the property is in a very conspicuous location. Chairman Schulteis stated that the clean up must be completed within 30 days. Mr. Johnson and Mr. Klenz stated that they would comply.

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E. Zoning Violations - Judy Stephenson read two letters from the Town Police Officer that had been sent to a property owner on Hwy 60 and to a property owner on Hwy C reminding them of their need to get in compliance for scrap removal.

IV. Other Business

A. Correspondence - none.

B. Informational Items -.Karen Reiter and Mark Peters attended a farmland preservation meeting in Newburg. *Karen Reiter and Marvin Kissinger attended the Washington County Pavilion meeting at Fair Park.*

C. Board of Appeals - none.

D. Building Inspector's Report - none.

V. Adjournment - Motion made by Mark Peters and seconded by Marvin Kissinger to adjourn. All voted in favor and the meeting was adjourned at 8:53 p.m.

Respectfully Submitted,

Judy Stephenson
Zoning Secretary